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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

April 27, 2007

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 06KD-233

Kauai

Cancellation of Governor's Executive Order 2709 and Reset
Aside to the County of Kauai for Police Substation and Teen
Center Purposes and Issuance of a Management Right-of-Entry,
Koloa, Kauai, Tax Map Key (4) 2-8-08:17

CONTROLLING AGENCY:

Department of Accounting of General Services (DAGS)

APPLICANT:

County of Kauai

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Koloa situated at Koloa, Kauai
identified by Tax Map Key: (4) 2-8-08:17, as shown on the
attached map labeled Exhibit A.

AREA:

0.964 acres, more or less.

ZONING:

State Land Use District: Urban
County of Kauai CZO: R-4, Special Public Area (Neighborhood
Center)

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: NO

CURRENT USE STATUS:

Governor's Executive Order No. 2709 setting aside 0.964 acres to Department of Accounting and General Services for Multi-Purpose Neighborhood and Court House purposes.

PURPOSE OF SET ASIDE:

Police Substation and Teen Center purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

REMARKS:

The subject property is covered under Governor's Executive Order 2709 under the control of the Department of Accounting and General Services for Neighborhood Center and Court House purposes, since October 17, 1974.

On October 20, 1983 an operation and use agreement between the State and County of Kauai was executed for the Koloa Civic Center.

The State and the County of Kauai agreed to jointly occupy the Koloa Civil Center for their respective use. The State for the Court House and the County of Kauai for the Neighborhood Center.

In 2006 the Kauai Judicial Complex in Lihue was completed and all court activities were moved to the new facility near Lihue Airport.

In a letter dated September 19, 2006 from Mr. Russ K. Saito, State Comptroller for the Department of Accounting and General Services is requesting DAGS be relieved of its control and management of Executive Order No. 2709, and that the set-aside of the land and all improvements be set aside to the County of Kauai, subject to the County of Kauai accepting the former Koloa court house building in "as is" condition. The County of Kauai has requested that the courthouse be made available to them for use as a police sub-station and adjacent teen center. DAGS believes that this is beneficial use of the State property and strongly supports approval by the Land Board. (See Exhibit B)

Comments were solicited from the following agencies:

County of Kauai:

Department of Public Works:	No comments
Planning Department:	No objection.
Department of Water:	No objection, However the applicant is made aware that any actual subdivision or development of this area will be dependent on the adequacy of the source, storage and transmission facilities existing at the time.

State Agencies:

Office Of Hawaiian Affairs:	We note that these are ceded lands and request assurances that language in the set aside will reflect that the lands are ceded and therefore only management of the property can be transferred to the County. OHA concurs that the County's purposes for management of the property are worthy ones and wishes the County well with its intentions.
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State Historical
Preservation Division:

We believe that no historic properties will be affected because this is a paper-only transaction and does not require any ground disturbing work.

The County of Kauai is requesting a management right-of-entry to allow them the use of the Koloa Court House and surrounding grounds for a teen center.


RECOMMENDATION: That the Board:

1. Approve of and recommend to the Governor issuance of an executive order canceling Governor's Executive Order No. 2709 and subject to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;

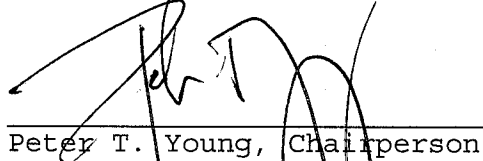
- C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to County of Kauai under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
- A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
 - E) The County of Kauai accepts the former Koloa Court House building in "as is" condition.
3. Authorize the issuance of a management right-of-entry permit to County of Kauai covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
- A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time; and

- B. Such other terms and conditions as may be prescribed
by the Chairperson to best serve the interests of the
State.

Respectfully Submitted,


for Thomas Oi
Kauai District Land Agent

APPROVED FOR SUBMITTAL:


Peter T. Young, Chairperson

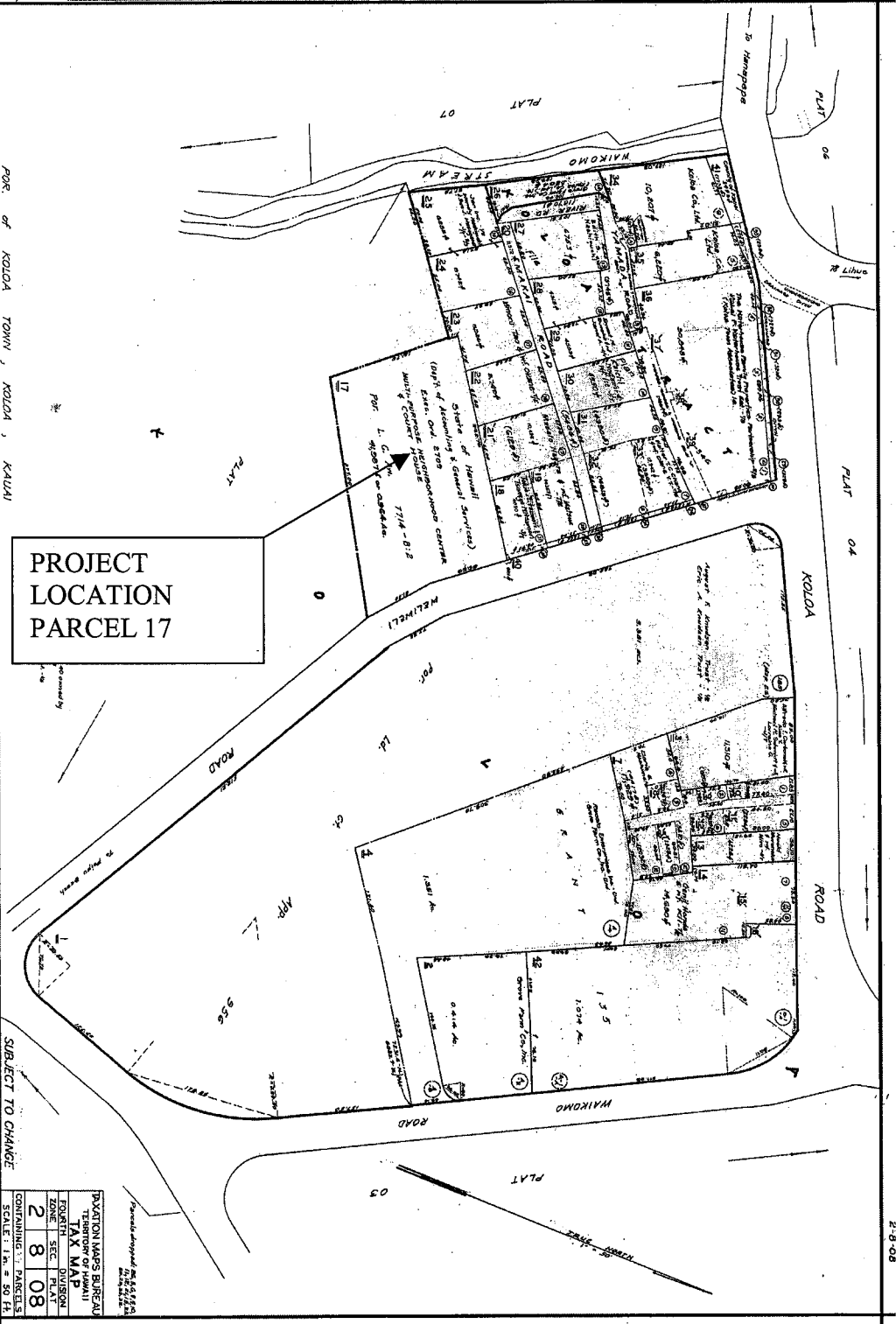


EXHIBIT A

LINDA LINGLE
GOVERNOR



RUSS K. SAITO
COMPTROLLER

KATHERINE H. THOMASON
DEPUTY COMPTROLLER

RECEIVED

STATE OF HAWAII

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

P.O. BOX 119, HONOLULU, HAWAII 96810

SEP 19 2006

DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

(P)1200.6

MEMORANDUM

TO: The Honorable Peter T. Young, Chair
Board of Land and Natural Resources

FROM: Russ K. Saito
State Comptroller *Russ K Saito*

SUBJECT: Withdrawal of Land from Executive Order No. 02709 and
Set-Aside of Land for a Multi-Purpose Neighborhood Center and
Court House Land and Improvements to the County of Kauai,
Lihue, Kauai

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LAND DIVISION
2006 SEP 20 A 10:31

This is to request that DAGS be relieved of its control and management of the Executive Order No. 02709, and that the set-aside land and all improvements be re-assigned to the County of Kauai, subject to the County of Kauai accepting the former Koloa court house building "as is," along with the operation and maintenance of the site.

This site is jointly occupied by the former State of Hawaii Koloa Courthouse and the County of Kauai's Koloa Neighborhood Center. The State has vacated the courthouse building and has no use for it. The County of Kauai has requested that the courthouse be made available to them for use as a police sub-station and adjacent teen center. DAGS believes that this is a beneficial use of the property and strongly supports approval by the Board of Land and Natural Resources of a long-term transfer of this property to the County of Kauai.

If you have any questions, please call me at 586-0400 or have your staff call Mr. Bruce Bennett of the Public Works Division, at 586-0491.

BB:mo

PM2:36:57

c: The Honorable Bryan J. Baptiste, Mayor, County of Kauai
Mr. Russell Tsuji, Administrator, DLNR Land Division
Mr. Thomas Oi, DLNR Land Division Kauai
Mr. Stanley Doi, DAGS Kauai

SEP 22 '06
DLNR KDLO RCVD

"EXHIBIT B"